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FILE NO: 74096.000007 [49087020]

January 15, 2014

VIA EMAIL AND OVERNIGHT MAIL

FILE COPY

Mr. Peter Magolske
U.S. Environmental Protection Agency
Office of Compliance and Enforcement
M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Mr. Brian Monson
Idaho Department of Environmental Quality
1410 North Hilton Street
Boise, ID 83706

Re: Quarterly Progress Report – Fourth Quarter 2013 (October 1 – December 31)
Administrative Order on Consent, Docket No. RCRA-10-2009-0186
Nu-West Industries, Inc. Conda Phosphate Operations

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

I. Site Assessment Report

The following activities were conducted during Fourth Quarter 2013, pursuant to (or related to) EPA’s May 15, 2013 comments on Nu-West’s *Site Assessment Report* (February 15, 2013):

- On December 12, 2013 EPA submitted to Nu-West a letter providing comments on the laboratory data validation reports for samples collected in 2012 as part of the RCRA 3013 investigation. Nu-West is reviewing the comments and will prepare a response to each and submit revised reports as requested.



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II. A-34 Lateral Assessment Work Plan

The following activities were conducted during Fourth Quarter 2013, pursuant to (or related to) the EPA-approved *A-34 Lateral Assessment Work Plan* (January 9, 2013), prepared pursuant to the Consent Order:

- Nu-West continued providing to EPA and IDEQ monthly submittals *via* FTP site of water level and temperature measured by a pressure transducer and data logger installed in groundwater monitoring well A-34-022 and continued providing pH and fluid conductivity measured during bi-weekly sampling.
- On October 14, 2013, Nu-West submitted to EPA and IDEQ the *July-August 2013 Main Processing Area Groundwater Monitoring Report*. The report provided groundwater monitoring results for weekly sampling of monitoring well A-34-022 and monthly sampling from nine other monitoring or production wells during July and August 2013.

III. Updated Supplemental Work Plan

The following activities were conducted during Fourth Quarter 2013, pursuant to (or related to) the EPA-conditionally-approved *Supplemental Work Plan* (May 28, 2013) and the EPA-approved *Updated Supplemental Work Plan, Revision 2* (July 29, 2013), both prepared and approved pursuant to the Consent Order.

- Nu-West completed the drilling and geophysical logging of boreholes and construction of monitoring wells at locations A-58 in the Main Processing Area and A-53, A-56, and A-57, downgradient of the Gyp Stacks and Cooling Ponds as detailed in the *Updated Supplemental Work Plan, Revision 2* (July 29, 2013). Between two and four bedrock boreholes were drilled at each location for the construction of groundwater monitoring wells screened in water-bearing zones within the basalt sequence or within the underlying sedimentary sequence. Borehole summaries were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for wells at A-58 in a conference call on October 18 and follow-up correspondence dated October 18, 2013. Screen intervals for wells A-53, A-56, and A-57 were approved prior to October 1, 2013 and included in the 3rd Quarter 2013 Progress Report.



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IV. Groundwater Monitoring Plan

The following activities were conducted during Fourth Quarter 2013, pursuant to (or related to) the *Revised Groundwater Monitoring Plan* (October 30, 2013), prepared pursuant to the Consent Order.

- On October 30, 2013, Nu-West submitted to EPA and IDEQ the Revised Groundwater Monitoring Plan. The Plan describes the scope of work for a groundwater monitoring program that includes monthly, quarterly, and semi-annual water level monitoring and groundwater sampling at monitoring wells at the site. EPA approved the Plan in a letter dated October 31, 2013.
- On December 31, 2013, Nu-West submitted to EPA and IDEQ the Groundwater Monitoring Report for the 3rd Quarter 2013. Groundwater monitoring data included in this report were collected pursuant to and in accordance with the EPA-approved *A-34 Lateral Assessment Work Plan*, dated January 9, 2013 (WSP 2013a), the *Updated Supplemental Work Plan*, Revision 2, dated July 29, 2013 (WSP 2013h), and the *Revised Groundwater Monitoring Plan*, dated October 30, 2013 (WSP 2013l).
- Between November 1 and 12, 2013, Nu-West conducted quarterly groundwater monitoring as detailed in the *Revised Groundwater Monitoring Plan* (October 30, 2013). The groundwater monitoring included water level measurements at 98 monitoring wells and groundwater sampling at 77 monitoring wells.
- On October 10, November 8, and December 12, 2013, Nu-West conducted monthly groundwater monitoring as detailed in the *Revised Groundwater Monitoring Plan* (October 30, 2013). The groundwater monitoring included water level measurements at 13 monitoring wells and groundwater sampling at 7 monitoring wells.
- On December 16, 2013, Nu-West reported to the NRC, IEC, and LEPC a potential release identified by the December 12, 2013 groundwater monitoring results for A-42-020. Nu-West has taken actions to determine the potential cause(s) of the analysis changes and correct identified issues. Recent sampling indicates these actions may be having a positive effect.



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In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Scott Burton".

for P. Scott Burton

cc: J Wayne Maxie, Nu-West
Barry N. Burnell, IDEQ

Attachment – Certification

ATTACHMENT A

CERTIFICATION

I certify under penalty of law that the attached Quarterly Progress Report – Fourth Quarter 2013 was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____



Name:

Josh Regan

Title:

Plant Manager, Nu-West Conda Phosphate Operations

Date:

1/15/2014